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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,502	08/22/2000	MICHAEL KORUS	CM03704H-C01	2834
22917	7590	07/26/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			PHAM, BRENDA H	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/643,502

**Applicant(s)**

KORUS, MICHAEL

**Examiner**

Brenda Pham

**Art Unit**

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-27 are pending in this application.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 19-26 are rejected under 35 USC 102(b) as being anticipated by Choquier et al (US 5,951,694).

Claims 19-24, Choquier et al discloses a method comprising the steps of: receiving, from a communication unit participating in an audio call with at least one other communication unit, a request for data from a server; forwarding, to the server, the request for data; receiving, from the server, the requested data; forwarding, to the communication unit, the requested data via a communication resource that is supporting the audio call (see figure 1 and 2, column 8 and 9, lines 50-67 and 1-10, respectively).

Claim 25 and 26, Choquier et al further teach wherein the request comprises an identity of the server (see column 10, lines 32-37). {Choquier teaches that in order to route client-user service requests to the appropriate server 120, the Gateways 126 must have some way of determining the unique IDs of the servers that are currently handling the requested services.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choquier et al (US 5,951,694) in view of Hirasawa et al (US 5,655,079).

Claim 27, as explained in the rejection station of claim 9 (parent claim), Kevner discloses all the claim limitation recited in parent claim. Kevner does not teach wherein the request indicates group data broadcast of the requested data. This limitation is well known in the art and is taught by Hirasawa et al. Hirasawa et al teach when a network system, which is connected to a multi-computer system or to plurality of multi-computer system with communication lines via gateways, communicates data, one-to-one communication with a destination address assigned to the data or broadcasting with a group address assigned to the data is conventionally performed.

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the group data broadcast in Kevner.

***Allowable Subject Matter***

6. Claims 1-18 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach a method and apparatus for providing broadcast

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group data within a communication system comprises the step of upon receiving the data service message, the data gateway interprets it to determine whether the data selection is for an individual data broadcast or group data broadcast. When the data service message is for group data broadcast, the data gateway temporarily stores the identity of the subscriber unit and the identity of the targeted host. Having done this, anytime the data gateway receives data destined for the subscriber unit (while it is involved in voice communication), the data gateway forwards the data to the subscriber unit and other subscriber units that are currently involved in a group voice call with the requesting subscriber unit. With such a method and apparatus, a subscriber unit may request data for itself and/or for its group without having to de-register from the voice channel, affiliate itself with the control channel, and then affiliate with a data channel.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

July 19, 2005

Brenda Pham

A handwritten signature in black ink that reads "Brenda A. Pham". The signature is written in a cursive style with a large, stylized "A" and a long, sweeping underline.